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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,389	09/30/2003	Koji Fujiwara	1248-0671P	3745
2292	7590	08/23/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EISEN, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2629	
DATE MAILED: 08/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,389

Applicant(s)

FUJIWARA ET AL.

Examiner

Alexander Eisen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik (reference of record).

With respect to claim 1 Stefik discloses a pen input display device (FIGS. 1A-B) for making pen entry on a display panel using an input pen 17 having an ultrasonic transmitting section 25, the pen input display device including at least two ultrasonic receiving sections 14 and 15 that are in a fixed spatial relationship with the display panel, said pen input display device comprising a distance detecting section for detecting a parameter that directly or indirectly indicates a distance of the ultrasonic transmitting section from each of the ultrasonic receiving sections; and a received waveform control section (FIG. 4A) for carrying out control of reducing a difference in level of received waveforms, based on a result of detection by the distance detecting section, when the ultrasonic receiving sections receive an ultrasonic signal from the ultrasonic transmitting section (col. 5, lines 19-35).

Stefik does not disclose that the parameter value is provided as a digital signal and that the digital signal is used in determining the difference in levels of received waveforms.

However, using digital representations of signals in lieu of analog ones is well known in the art, and therefore such substitution would have been obvious in view of a person with ordinary skills in the art, it neither would bring any unexpected result or would require undue experimentation.

As pertaining to claim 2 Stefik further discloses that the received waveform control section controls reception sensitivity of the ultrasonic receiving sections, whereby reception sensitivity is decreased for an ultrasonic receiving section whose distance from the ultrasonic transmitting section is short, and is increased for an ultrasonic receiving section whose distance from the ultrasonic transmitting section is long.

As pertaining to claim 3, each of the ultrasonic receiving sections includes an ultrasonic receiver and an amplifier circuit (TDA 3047 in FIG. 4A) for amplifying an output of the respective ultrasonic receiver; and the received waveform control section carries out such control that a gain of the amplifier circuit is decreased for an ultrasonic receiving section whose distance from the ultrasonic transmitting section is short, and is increased for an ultrasonic receiving section whose distance from the ultrasonic transmitting section is long.

Allowable Subject Matter

3. Claims 4 and 5 are allowed. The reasons for allowance of these claims are clear on the record and have been conveyed to the Applicant in the previous Office action.

4. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art, either singularly or in combination, teach or fairly suggest a pen input display device comprising a distance detecting section for detecting a parameter that directly or indirectly indicates a distance of the ultrasonic transmitting section from each of the ultrasonic receiving sections; and a received waveform control section for carrying out control of reducing a difference in level of received waveforms, based on a result of detection by the distance detecting section, when the ultrasonic receiving sections receive an ultrasonic signal from the ultrasonic transmitting section, and wherein the parameter value is provided as a digital signal and that the digital signal is used in determining the difference in levels of received waveforms and wherein the digital signal indicates a time for an ultrasonic signal to travel from the ultrasonic transmitting section to the ultrasonic receiving section.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3 and 6 have been fully considered but are believed to be answered to by, and moot in view of, the new ground(s) of rejection.'

7. As to the Applicant's remark that the examiner failed to provide the schematic diagram of the amplifier TDA3047, it is believed that no additional detail beyond those provided by Stefik (FIG. 4A) would have to be required for the purpose of meeting the claim 1 limitations (original claim 1).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Eisen whose telephone number is (571) 272-7687. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

18 August 2006



Alexander Eisen
Primary Examiner
Art Unit 2629